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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,713	08/13/2001	Ed San Mateo	2001 P 11173 US	8925
7590	10/14/2003			
			EXAMINER	
			THOMAS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)
	09/929,713	MATEO ET AL.
	Examin r	Art Unit
	Courtney Thomas	2882

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 03 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,6-12 and 14-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-4,6-12,14-18,21-23 is/are allowed.

6) Claim(s) 19 and 20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Objections

1. Claims 9, 15 and 16 are objected to because of the following informalities:
2. Claims 9 and 16 recite: "A medical linear accelerator comprising: a support gantry coupled to the control console ..." Examiner notes that the phrase "the control console" lacks antecedent basis.
3. Claim 15 recites: "The method of claim 14 which includes the step of alerting a radiation therapist if radiation is not delivered." Examiner suggests the phrase be re-written as follows:
The method of claim 14 [which] that further includes the step of alerting a radiation therapist if radiation is not delivered.
4. Appropriate correction is required.

Allowable Subject Matter

5. The indicated allowability of claim 19 and dependent claim 20 is withdrawn. The rejection rationale is cited below.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. In particular, Claim 19 recites the following preamble:

9. “A computer readable medium containing program instructions for determining if a beamblock tray is oriented correctly in a defining head of a medical linear accelerator, the program instructions for: ...”

10. Examiner notes that claim 19 recites the presence of a structure that contains program instructions for determining a beam-block tray orientation, however, the body of the claim does not recite a structure to indicate the type of medium applicant considers being his invention. Examiner additionally notes that the specification does not include a written description of a computer readable medium and concludes that claim 19 is not supported by the specification (see MPEP 608.01). Claim 20, by virtue of its dependency on claim 19 suffers from this inherited deficiency.

Allowable Subject Matter

11. Claims 1-4, 6-12, 14-18 and 21-23 are allowed.

12. The following is an examiner’s statement of reasons for allowance:

13. **As per claims 1, 6, 9 and 16 and dependent claims 2-4, 21, 7, 8, 22, 10-12, 23, 17 and 18,** the examiner found no reference in the prior art that disclosed or made obvious a beam-block tray comprising a plurality of coded connectors, wherein each of the plurality of coded connectors allow a tray to identify its orientation to a user.

14. **As per claim 14 and dependent claim 15,** the examiner found no reference in the prior art that disclosed or made obvious a method comprising the steps of associating a tray with a particular patient based on a code and determining if a coded connector of a plurality of coded connectors on the beam-block tray is recognized as having the code.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (703) 306-0473. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (703) 308 4858. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0530.

CT
Courtney Thomas



DAVID V. BRUCE
PRIMARY EXAMINER